

Remarks

This is in response to the Office Action dated August 16, 2004. The Office Action first objected to the drawings for various inconsistencies between the specification and the drawings. The Office Action also rejected claims 1-8, 10-17 and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,484,196 to Maurille ("Maurille"). The Office Action also rejected claims 9, 18 and 19 under 35 U.S.C. §103(a) as being unpatentable over Maurille in view of U.S. Patent Number 6,654,790 to Ogle et al. ("Ogle").

New claims 21-26 have been added.

Claims 1-26 remain under consideration.

Correction of Typographical Errors in the Specification:

Several typographical errors have been corrected as indicated above in the replacement paragraphs submitted in the section titled "Amendments to the Specification." No new matter has been introduced as a result of these amendments.

Objection to the Drawings

The Office Action first objected to the drawings due to various inconsistencies between figures 2, 3 and 6 and the portions of the specification discussing those figures. Figures 2 and 3 have been amended, as discussed above in the section entitled Amendments to the Drawings. Specifically, the icons in Figure 2 are now accurately denoted by reference numeral 134. Additionally, step 136 has been added and step 140 has been amended in Figure 3 to accurately reflect the description of Figure 3 in the specification. Finally, the description of Figure 6 at page 18, line 14 through line 27 has been amended as indicated in the section entitled Amendments to the Specification to accurately denote message recipient/receiver 620 and message 610.

No new matter has been introduced as a result of these amendments to the drawings and the paragraph at page 18, line 14 through line 27. The amendments to the description of Figure 6 simply correct a typographical error so that, as amended, the description now fully conforms to Figure 6 as filed. As pointed out by the Office Action, the description of Figure 2 specifically refers to the representative sound icons by

reference numeral 134. Thus, the amendment to Figure 2 now fully reflects the description of that Figure. Finally, the specification discussing Figure 3 describes step 136 as “the user creates a sound message, step 136. A sound message may be created by simply selecting a sound message from a selection of pre-recorded sound messages or the sound message may be newly created by a user . . .” Similarly, step 140 is described in the specification at page 10, lines 24-25 as “[o]nce a sound message is created, the sound message is saved, step 140.” Thus, both the added step 136 (“Select/create sound message”) and the amended step 140 (“Save sound message”) of Figure 3 are fully supported by the specification.

35 U.S.C. §102(e) Rejection: Maurille

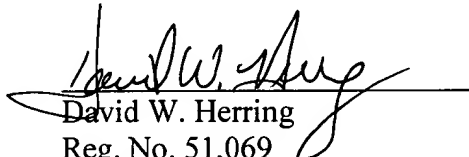
The Office Action rejected claims 1-8, 10-17 and 20 under 35 U.S.C. §102(e) as being anticipated by Maurille. In order for a claim to be anticipated under 35 U.S.C. 102, each and every limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Maurille does not show each and every limitation of claims 1-20, as those claims have been amended. Therefore, Applicants request the withdrawal of the rejection under 35 U.S.C. 102(e).

Applicants have amended claims 1, 10 and 16 to now claim that the message sent by the message sender/originator comprises an indication of a sound identifier associated with the sender/originator. New claims 21-26 were added to indicate that the indication may be either a request to play the sound identifier (claims 21, 23 and 25) or that the indication may be the sound identifier itself (claims 22, 24 and 26). Claims 1 and 10 also have been amended to claim that, when the message is received by a message recipient, said sound identifier is played. Maurille does not teach that the messages of that reference comprise sound identifiers or indications of sound identifiers associated with the message sender/originators, nor does that reference teach playing sound identifiers when the message is received by the recipient. Accordingly, Maurille does not teach all the elements of independent claims 1, 10 and 16 and, therefore, Maurille does not anticipate those claims. Claims 1, 10 and 16 are, therefore, allowable over Maurille. It follows that claims 2-9, 11-15 and 17-20 are allowable as being dependent upon allowable base claims.

No new matter has been added. Sound identifiers associated with the sender/originator of a message is taught at least at page 12, lines 22-24: “[i]n one embodiment only the “BYE” earcon (message) is played on “Bonnie’s” device and in other embodiments, the “BYE” earcon is accompanied by “Elena’s” personal sound identifier.” Playing those sound identifiers when a message is received is also taught at least at page 13, lines 28-29: “[t]hus, the receiving user(s) device will play the personal sound identifier (associated with the sender) along with” the message. Thus, the added claim elements are fully supported by the specification.

Allowance of all claims is requested.

Respectfully submitted,


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Amendments to the Drawings

A full set of replacement figures is being submitted herewith. Incorporated into these replacement figures are the following changes to address certain objections made by the Office Action:

Figure 2 has been amended to correct a typographical error. Specifically, the icons previously labeled as 140 in Fig. 2 are now labeled as 134 to be consistent with the description of Fig. 2 on page 11, lines 3-16 of the specification.

Figure 3 has been amended to conform that figure to the description in the specification. Specifically, step 136 “Select/create sound message” has been added to correct the mistaken omission of that step in Figure 3. Additionally, the word “create” has been deleted from step 140 to conform that step to the description in the specification.

Due to the minor nature of the amendments to claims 2 and 3, an annotated drawing sheet is not being submitted herewith.